

UNITED STATES DISTRICT COURT

for the
District of New Mexico**FILED**
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

MAY 17 2021

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)Jameson Begaye
DOB ~~XXXX~~979, SSN ~~XXXXXX~~09
FBI #457486WD9

Case No.

21-MR-667

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
Jameson Begaye, date of birth 01/25/1979, social security number 585-39-3809, FBI #457486WD9

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

DNA samples in the form of buccal swabs from the person identified above

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 18 U.S.C. §1153 and §1111	Murder committed within Indian Country

The application is based on these facts:

See attached affidavit hereby incorporated by reference as if fully restated herein.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Special Agent Travis Kosir

Printed name and title

Sworn to before me and signed in my presence.

Date:

May 17, 2021

City and state: Farmington, NM



Judge's signature

B. Paul Briones, US Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR SEARCH WARRANT**

I, Travis A. Kosir, being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent of the Federal Bureau of Investigation (“FBI”), where I have been employed in that capacity since March 2016. I am currently assigned to the Albuquerque Division of the FBI, Farmington Resident Agency, and have primary investigative responsibility for crimes that occur in Indian Country, including violent crimes such as homicide, robbery, arson, aggravated assault, and sexual assault. I am trained and have experience in the investigation of murder, assault, and other violent crimes committed in Indian Country.

2. The information set forth in this affidavit has been derived from an investigation conducted by the Farmington Resident Agency of the FBI, the Navajo Nation Department of Criminal Investigations (“NNDCI”), and the Navajo Police Department (“NPD”).

3. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to collect DNA samples from JAMESON BEGAYE, (referred to herein as “BEGAYE”) further described in attachment “A,” by collecting oral (buccal) swab samples according to the standard practices and procedures employed by the FBI for DNA testing and comparison. Based on the facts set forth in this affidavit, there is probable cause to believe that BEGAYE violated federal criminal statutes, including but not limited to Title 18 United States Code (U.S.C.) §1153 and §1111 - Murder committed within Indian Country, and that BEGAYE’s DNA will provide evidence of such crimes.

4. This affidavit is intended to show there is probable cause for the requested search warrant and does not set forth all of my knowledge about this matter. The statements in this

affidavit are based on my personal knowledge, information that I have received from other law enforcement personnel, and from persons with knowledge regarding relevant facts. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are sufficient to establish probable cause to obtain a warrant to collect a DNA sample from BEGAYE.

PROBABLE CAUSE

5. On or about March 7, 2021, the Farmington Resident Agency of the FBI was notified of a shooting which occurred west of Shiprock, NM on County Road 9140, within the exterior boundaries of the Navajo Nation reservation. The victim of the shooting, identified with initials K.B. and year of birth 1970 (referred to herein as "JOHN DOE") was transported to Northern Navajo Medical Center ("NNMC") in Shiprock, NM by a third party. Approximately one hour and five minutes after arriving at NNMC, JOHN DOE was pronounced dead. Preliminary results of an autopsy performed by the Office of the Medical Investigator determined the cause of death to be homicide resulting from gunshot wounds of the chest and abdomen. The examining OMI doctor noted one gunshot wound entering JOHN DOE's abdomen and one gunshot wound entering JOHN DOE's upper chest along with two bullet projectiles located in the JOHN DOE's pelvic area.

6. The Navajo Police Department ("NPD") was alerted to the shooting by a witness with initials W.W. and year of birth 1967 (referred to herein as "WITNESS 1") who called NPD Shiprock Dispatch and reported approximately four gunshots coming from the residence of an individual identified by initials K.B. and year of birth 1991 (referred to herein as "WITNESS

2"). WITNESS 1 also reported that a black Chevrolet Malibu took off from WITNESS 2's residence immediately after the gunshots.

7. NPD located the residence where the shooting took place and identified WITNESS 2 as the daughter of JOHN DOE. WITNESS 2 was then interviewed by a Navajo Nation Department of Criminal Investigation ("NNDICI") Criminal Investigator. WITNESS 2 stated that she and JOHN DOE had been inside WITNESS 2's residence when they heard a car pull up and someone running up to the door who turned out to be BEGAY, WITNESS 2's ex-boyfriend. JOHN DOE attempted to prevent BEGAY from entering the residence but was unsuccessful. There was a physical altercation between JOHN DOE and BEGAYE inside the residence, ending with BEGAYE pointing a black handgun at JOHN DOE and firing multiple rounds. BEGAYE then departed WITNESS 2's residence.

8. Following the interview with WITNESS 2, law enforcement officers conducted a search of WITNESS 2's residence pursuant to a consent search. During the search, law enforcement officers observed multiple areas on the walls of the residence with a reddish/brown substance consistent with blood in addition to multiple spent .22 caliber cartridge casings on the floor of the residence.

9. Queries conducted in New Mexico's Online Motor Vehicle Records System revealed BEGAYE was the registered owner of a 2018 black Chevrolet Malibu bearing New Mexico license plate 346WDH. NPD was unable to locate BEGAYE or his vehicle that night.

10. On or about March 8, 2021 while attempting to locate BEGAYE, a Criminal Investigator identified BEGAYE's Malibu driving in an area outside of Shiprock, NM. The Criminal Investigator saw BEGAYE get out of the Malibu near a residence at which point the Criminal Investigator also got out of his vehicle, identified himself to

BEGAYE, and requested to talk to BEGAYE. BEGAYE responded, "Jameson isn't here," got back into the Malibu which was being driven by BEGAYE's son, identified with initials W.B. and year of birth 1996 (referred to herein as "WITNESS 3"), and drove away. Upon encountering marked NPD patrol units on the main highway, BEGAYE's Malibu took off at a high rate of speed resulting in a pursuit by NPD. During the pursuit, multiple gunshots were fired from BEGAYE's Malibu towards marked NPD patrol units, with at least one round striking the windshield of an NPD vehicle. After the gunshots were fired at the NPD unit, an NPD officer observed an object get thrown out of the window of BEGAYE's Malibu. BEGAYE's Malibu eventually stopped in a secluded area near the river east of Shiprock, NM. BEGAYE, WITNESS 3, and a third individual identified with initials S.B. and date of birth 2002 (referred to herein as "WITNESS 4"), were taken into custody by NPD.

11. After BEGAYE was taken into custody by NPD, your affiant observed BEGAYE's Malibu at the location near the river. In plain view within the passenger compartment of BEGAYE's Malibu was a wood stocked rifle and multiple spent and unspent .22 caliber rounds. In addition, multiple empty Budweiser beer cans were observed both inside and surrounding the Malibu.

12. On or about March 9, 2021, two NNDCI Criminal Investigators searched the roadway around the area where the NPD officer observed something being thrown from BEGAYE's Malibu during the pursuit. The Criminal Investigators located a black Taurus TX .22 caliber pistol to the side of the road.

13. During an interview on or about March 9, 2021, WITNESS 3 stated that two days ago on Sunday he had been driving around drinking alcohol throughout the day in BEGAYE's Malibu with BEGAYE and WITNESS 4. The three of them drove to WITNESS 2's

residence where WITNESS 3 and BEGAYE have purchased methamphetamine in the past. Upon arriving at the residence, BEGAYE exited the vehicle and walked around the residence to the door on the opposite side. WITNESS 3 knew BEGAYE had the black .22 caliber pistol on him when BEGAYE went into the residence. Approximately ten or fifteen minutes later, BEGAYE came back out of the residence with blood on his clothing. BEGAYE told WITNESS 3 to drive away and that he (BEGAYE) had just shot somebody. WITNESS 3 stated the following day he, BEGAYE, and WITNESS 4 were driving in BEGAYE's Malibu when they started being pursued by police officers. During the pursuit, WITNESS 3 and BEGAYE both fired multiple rounds from the .22 pistol at a residence south of Shiprock, NM. WITNESS 3 fired at the residence the first time they passed it while heading south, and BEGAYE fired at the residence after they turned around and passed the residence a second time while heading north. Shortly after firing at the residence, BEGAYE threw the pistol out of the window of the Malibu. The pistol BEGAYE threw out of the Malibu was the same pistol BEGAYE had on him the previous night when he went into WITNESS 2's residence. WITNESS 3 stated that he and BEGAYE used methamphetamine but did not sell it.

14. During an interview on or about March 9, 2021, WITNESS 4 stated she was in the backseat of BEGAYE's Malibu during the pursuit with NPD officers on or about March 8, 2021. BEGAYE was in the front passenger seat and had a black or grey colored handgun. BEGAYE used the handgun to shoot multiple rounds at a blue trailer south of Shiprock, NM as the police units were in pursuit directly behind BEGAYE's Malibu. WITNESS 4 overheard BEGAYE saying goodbye to WITNESS 3 because he (BEGAYE) knew he was going to jail.

15. During an interview on or about March 9, 2021, BEGAYE stated he had been drinking two days prior on Sunday. Sometime after dark on Sunday, BEGAYE drove his Malibu

to WITNESS 2's residence. Upon entering WITNESS 2's residence, BEGAYE got into a physical altercation with an unnamed person or persons. BEGAYE stated he did not have a handgun on him when he was at WITNESS 2's residence or at any other point. BEGAYE only owned a .22 caliber rifle. BEGAYE denied having shot anyone at WITNESS 2's residence or during the police pursuit on or about March 8, 2021. BEGAYE claimed he was drunk and high during both incidents. BEGAYE also stated they had "dope" in his Malibu.

16. On or about March 22, 2021, law enforcement officers conducted a search of BEGAYE's Malibu bearing New Mexico license plate 346WDH pursuant to a search warrant issued in the United States District Court for the District of New Mexico. Among the items collected pursuant to the search warrant were multiple spent .22 caliber cartridge casings located in both the front passenger seat area and the rear passenger area of the vehicle in addition to the semi-automatic .22 caliber rifle previously viewed and described in paragraph 11.

17. The incident under investigation occurred within the exterior boundaries of the Navajo Nation Indian Reservation. Both BEGAYE and JOHN DOE are registered members of the Navajo Nation.

CONCLUSION

18. Based upon the information contained herein, the affiant believes there is probable cause to obtain a warrant to collect a DNA sample from BEGAYE. Said DNA sample may be relevant and material in the context of forensic evaluation with regard to establishing BEGAYE's possession or handling of firearms and/or ammunition recovered in relation to the death of JOHN DOE and related crimes as it pertains to Title 18 United States Code (U.S.C.) §1153 and §1111 - Murder committed within Indian Country.


AUTHORIZATION REQUEST

19. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to 18 U.S.C. § 2703(c) and Federal Rule of Criminal Procedure 41 for the person of BEGAYE described in Attachment A for the DNA sample described in Attachment B.


20. Based on the facts set forth in this affidavit, there is probable cause to believe violations of United States Code Title 18 § 1153 and §1111 – murder committed within Indian Country were committed by BEGAYE, and that BEGAYE's DNA will provide evidence of such crimes.

21. Assistant United States Attorney Elisa Dimas, District of New Mexico, reviewed and approved the affidavit for legal sufficiency to establish probable cause requesting approval to collect a DNA sample from BEGAYE.

22. I swear that this information is true and correct to the best of my knowledge and belief.


Travis A. Kosir, Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me on May 17, 2021.


The Honorable B. Paul Briones
United States Magistrate Judge

ATTACHMENT A

1. The person of JAMESON BEGAYE, date of birth January 25, 1979, social security number 585-39-3809, Navajo Nation Certificate of Indian Birth number 216812, FBI number 457486WD9, a Native American male, 5'9", 230 lbs., black hair, and brown eyes.

ATTACHMENT B

1. DNA swabs in the form of buccal swabs taken from inside the right and left cheek.